

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

CONTEMPT APPEAL No.2 of 2020

Date: 22.01.2020

Between:

Durva Laxman, S/o. Naga Rao,
Aged 50 years,
Divisional Administrative Officer/MRO,
O/o. Revenue Divisional Officer,
Utnoor, Adilabad District.

... Appellant

and

Mrs. Sama Susheela

... Respondents

Counsel for the appellant:

Mr. K. Rama Subba Rao

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The appellant-contemnor has challenged the order dated 20.12.2019, passed by a learned Single Judge, in C.C.No.592 of 2018, whereby the learned Single Judge has punished the contemnor with an imprisonment for one week, and has imposed a fine of Rs.2,000/-.

Briefly the facts of the case are that in W.P.M.P.No.42181 of 2017 in W.P.No.33909 of 2017, by order dated 07.11.2017, the Writ Court had observed as under:

“Prima facie, 5th respondent could not incorporate the name of 8th respondent in respect of the subject land deleting the name of the petitioner’s husband which was already there without issuing any notice to the petitioner, on the basis of 13B certificate issued by him, to which the petitioner is not a party.

There has thus been gross violation of principles of natural justice.

Therefore, there shall be interim suspension as prayed for.”

Since the interim order passed by this Court on 07.11.2017 was not even implemented by the contemnor, the petitioner in the writ petition (hereinafter referred to as ‘the petitioner’) had filed the aforesaid Contempt Case on 05.03.2018. Along with the Contempt Case, the petitioner had enclosed a copy of the pahani issued to her on 16.02.2018. The copy of the pahani clearly reveals that the name of the respondent No.8 in the writ petition had not been removed, and the petitioner’s husband name was not incorporated. Therefore, the Contempt Court issued a notice

to the contemnor. In his reply, the contemnor claimed that in fact, on 10.11.2017 itself, he had implemented the order dated 07.11.2017. He further claimed that he had forwarded the copies thereof to this Court, the District Collector, Adilabad District, the Mandal Revenue Officer, Adilabad, the counsel for the petitioner, and the petitioner herself. However, no evidence of this plea was ever submitted. Therefore, the learned Contempt Court had concluded that the explanation given by the contemnor was a false one. Hence, the learned Contempt Court convicted the contemnor as aforementioned. Hence, this appeal before this Court.

The learned counsel for the appellant submits that although there was a delay, as the consent of the Collector needs to be had, but, in fact, the order was complied with. Therefore, the learned counsel pleads that the impugned order deserves to be set aside.

Heard the learned counsel for the appellant.

Needless to say once an order is passed by this Court, the said order has to be complied with forthwith, if not challenged by the respondents. The explanation given by the contemnor is blatantly incorrect and is misleading. Since a wrong explanation had been given, that too, under oath, the learned Judge was certainly justified in convicting the appellant for having committing the contempt of Court.

Therefore, this Court does not find any merit in the present appeal. It is, hereby, dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 22.01.2020
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